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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
ALEX CHEUCK KIN YAN,)
)
Defendant.)

No. CR 08-0828-MHP

**STIPULATION AND ORDER
REGARDING NUMERICAL ERROR IN
THE PLEA AGREEMENT**

The parties in the above-titled case appeared before the Court on February 9, 2009, where the defendant Alex Cheuck Kin Yan entered a guilty plea. During the hearing, the Court noticed that there were two different numbers for the restitution and loss amount: \$234,695.31 and \$235,695.31. At the time, the parties indicated to the Court that both the restitution and loss amount should be \$234,695.31. However, this figure was wrong and the loss amount should be \$235,695.31. The parties hereby agree and stipulate that the loss amount is \$235,695.31, and the plea agreement should be modified to reflect that the loss amount is \$235,695.31.

Furthermore, the government has since learned that United Commercial Bank seized \$6,397 from the defendant's bank account when they learned of the embezzlement. Therefore, the parties hereby stipulate and agree that the restitution amount should be \$229,298.31. The

1 parties respectfully request that the Court modify the plea agreement to reflect this new
2 restitution figure.

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4 DATED: February 24, 2009

/s/
CHRISTINA HUA
Assistant United States Attorney

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7
8 DATED: February 24, 2009

/s/
RITA BOSWORTH
Counsel for Alex Cheuck Kin Yan

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11 For good cause set forth above, the Court hereby orders that the plea agreement should be
12 modified so that the loss amount is \$235,695.31, and the restitution amount is \$229,298.31.

13 IT IS SO ORDERED.

14 DATED: 2/25/2009

